

Karla M. Lewis
86 R St. NW
Washington DC, 20001
Cell: (202) 607-7221
September 7, 2012

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Office of Zoning
c/o Zoning Commission
441 4th St. NW
Washington DC, 20001
Case No. 10-14 (Big Bear Café – Map Amendment for 1700 1st St NW, Square 3103)

Dear Commissioners,

On behalf of the residents that live within 200 feet of the Big bear Café, I'm writing this request to appeal to the Zoning Commission to accept my party status request. Several weeks ago, I filed to testify before the commission as an individual. Over the last few weeks, there have been several developments, which led to my meeting with Joel Lawson an Associate Director at the Office of Planning (OP) on Tuesday, September 4, 2012. Mr. Lawson told me that OP would submit a report to the Zoning Commission (ZC) on Friday, September 7, 2012. After hearing the concerns of the residents most affected by the proposed zoning change, he encouraged me to file for party status. I appealed to Councilmember (CM) McDuffie to support residents that were opposing the zoning change. On September 6, 2012, Corey Griffin, the Councilmember's Chief of Staff, contacted me and stated that the CM McDuffie was not aware that there were so many residents that opposed the rezoning. Mr. Griffin said that CM McDuffie had already submitted a letter of support at the request of Stu Davenport the owner of the Big Bear Café and was not informed about the opposition. Mr. Griffin apologized on behalf of CM McDuffie and he also encouraged me to apply for party status. Hence, my submission of the party status request for your consideration.

Thanks for your consideration,



Karla M. Lewis

ZONING COMMISSION
District of Columbia
CASE NO. 10-14
EXHIBIT NO. 28
ZONING COMMISSION
District of Columbia
CASE NO. 10-14
EXHIBIT NO. 28



**BEFORE THE ZONING COMMISSION OR
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA**



FORM 140 - PARTY STATUS REQUEST

Before completing this form, please review the instructions on the reverse side.
Print or type all information unless otherwise indicated. All information must be completely filled out.

PLEASE NOTE: YOU ARE NOT REQUIRED TO COMPLETE THIS FORM IF YOU SIMPLY WISH TO TESTIFY AT THE HEARING. COMPLETE THIS FORM ONLY IF YOU WISH TO BE A PARTY IN THIS CASE.
(Please see reverse side for more information about this distinction.)

Pursuant to 11 DCMR §§ 3022.3 or 3106.2, a request is hereby made, the details of which are as follows:

Name:	Karla M. Lewis		
Address:	86 R Street NW Washington Dc 20001		
Phone No(s):	202 607-7221	E Mail:	kmlmanagementsystems@verizon.net
I hereby request to appear and participate as a party in Case No.:		10-14	
Signature:		Date:	9/7/2012
Will you appear as a(n)	<input type="checkbox"/> Proponent <input checked="" type="checkbox"/> Opponent	Will you appear through legal counsel?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, please enter the name and address of such legal counsel.			
Name:			
Address:			
Phone No(s):		E Mail:	

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PARTY WITNESS INFORMATION:

On a separate piece of paper, please provide the following witness information:

1. A list of witnesses who will testify on the party's behalf;
2. A summary of the testimony of each witness (*Zoning Commission only*);
3. An indication of which witnesses will be offered as expert witnesses, the areas of expertise in which any experts will be offered, and the resumes or qualifications of the proposed experts (*Zoning Commission only*); and
4. The total amount of time being requested to present your case (*Zoning Commission only*).

PARTY STATUS CRITERIA:

Please answer all of the following questions referencing why the above entity should be granted party status:

1. How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Commission/Board?
2. What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)
3. What is the distance between the person's property and the property that is the subject of the application before the Commission/Board? (Preferably no farther than 200 ft.)
4. What are the environmental, economic, or social impacts that are likely to affect the person and/or the person's property if the action requested of the Commission/Board is approved or denied?
5. Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Commission/Board is approved or denied.
6. Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other persons in the general public.

Except for the applicant, appellant or the ANC, to participate as a party in a proceeding before the Commission/Board, any affected person shall file with the Zoning Commission or Board of Zoning Adjustment, this Form 140 not less than fourteen (14) days prior to the date set for the hearing.

Person vs. Party in a Proceeding

Any person or representative of an organization may provide written and/or oral testimony at a public hearing. A person who desires to participate as a party in a proceeding, however, must make a request and must comply with the provisions on this form. A party has the right to cross-examine witnesses, submit proposed findings of fact and conclusions of law, receive a copy of the written decision of the Zoning Commission or Board of Zoning Adjustment, submit a Motion for Reconsideration or Rehearing, and exercise any other rights of parties as specified in the Zoning Regulations. Approval of party status is contingent upon the requester clearly demonstrating that his or her interest will be more significantly, distinctively, or uniquely affected by the proposed zoning action than that of other persons.

INSTRUCTIONS

Any request for party status as provided in the District of Columbia Zoning Regulations (11 DCMR Zoning) that is not completed in accordance with the following instructions shall not be accepted.

1. All applications shall be made pursuant to this form. If additional space is necessary, use separate sheets of 8½" x 11" paper to complete the form (drawings and plans may be no larger than 11" x 17").
2. Present this form and supporting documents to the Office of Zoning at 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001, not less than fourteen (14) days prior to the date set for the hearing.



If you need a reasonable accommodation for a disability under the Americans with Disabilities Act (ADA) or Fair Housing Act, please complete Form 155 - Request for Reasonable Accommodation.

District of Columbia Office of Zoning
441 4th Street, N.W., Ste. 200 S, Washington, D.C. 20001
(202) 727 6311 * (202) 727 6072 fax * www.dcoz.dc.gov * dcoz@dc.gov

Part Witness Information

1. **A list of witnesses who will testify on the party's behalf;**

Karla Lewis, Peter Knockstead, Jeff Edwards, Harold Pelham, Minnie Plater, Bernard Banks, Edwards Jones, Candida Johnson, Michelle Johnson, Joyce Johnson, Patricia Johnson, Justin Johnson, Nicole Johnson, Brittany Johnson, Angela Otts, Jason Proctor, Lisa Kelly, Terry Pits, Roscoe Hammond, Selma Dillard and Cheryl Lofton.

2. **A summary of the testimony of each witness (*Zoning Commission only*);**

All of the witnesses are concerned that the value of their properties will be significantly impacted by the zoning change. In addition, we live in a residential community where all of the houses are zoned R-4. We are concerned that rezoning will affect our quality of life. We deserve to have peace, quiet and order, no trash or litter, no rodents and residential parking. We feel that commercial activities should be concentrated on the nearby commercial corridors Florida Avenue, North Capitol Street, Rhode Island Avenue, and New York Avenue, which have plenty of available commercial properties and are ready for this type of activity. The witnesses are concerned about the impact of rezoning with regards to use and size. The owner or developers can demolish the property and build bigger and more commercial buildings. A C2A would mean that the owner can build a shopping center in the midst of our residential community. The building can be erected by 10 feet and the property would no longer have the same height as the properties in our historic community (houses built in 1895 or before). Rezoning from R-4 to C-2-A would encourage owners and developers to rezone for substantial financial gains. With a C2A residents will have no say in the type of business that can be conducted in their community. A zone change from R-4 to C-2-A has long term ramifications on residential communities. Rezoning will result in a harmful effect in our residential community.

3. **An indication of which witnesses will be offered as expert witnesses, the areas of expertise in which any experts will be offered, and the resumes or qualifications of the proposed experts (*Zoning Commission only*);** None.
4. **The total amount of time being requested to present your case (*Zoning Commission only*).**

Our party would like to request 60 minutes as allowed for parties in opposition.

Party Status Criteria

1. **How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Commission/Board?**

A change in the zoning would result in substantial increases in property taxes for the residents that live near the cafe. A change in building size would yield in an increase

in occupancy resulting in more patrons, traffic and congestion, noise, order, litter, rodents, and also affect residential parking.

2. **What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee) None.**
3. **What is the distance between the person's property and the property that is the subject of the application before the Commission/Board? (Preferably no farther than 200 ft.)**

Eighteen of the witnesses listed above are within 200 feet of the Big Bear Café.

4. **What are the environmental, economic, or social impacts that are likely to affect the person and/or the person's property if the action requested of the Commission/Board is approved or denied?**

A change in the zoning would result in substantial increases in property taxes for the residents that live near the cafe. A change in building size would yield in an increase in occupancy resulting in more patrons, traffic congestion, noise, disorder, litter, rodents, and also affect residential parking. It would seriously impact the quality of life for the residents.

5. **Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Commission/Board is approved or denied.**

We have many residents that are retired and on fixed incomes. An increase in taxes due to commercial zoning will be a hardship. We have children, seniors, and working professionals. Increased occupancy and patronage would disrupt the lifestyles of all of the individuals that live in the community due to the noises emanating from the café, increase in traffic, and insufficient parking.

6. **Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other persons in the general public.**

Residents that live nearest to the café are the ones who suffer the most due to the patronage of the Big Bear Café. A zoning change would exacerbate the issues that we are already experiencing such as noise, order, traffic, parking, litter, and rodents. We have already seen what has happened on U St, Columbia Road, and H St. Crime is also a concern. The values of our properties will be significantly impacted. The character of the neighborhood would be significantly impacted as bigger and more commercial buildings are likely to be erected in the current buildings stead. Residential areas should have mixed use corner stores that will enable them to easily buy a gallon of milk near our homes. Grocery stores, barber shops, and beauty salons, not full scale restaurants that that degrade the quality of life for the residents.

From: kmlmanagementsystems@verizon.net
To: [Lewis, Karla M.](#)
Subject: Fwd: Bloomingdale Neighbors Oppose Big Bear Café Zoning Change
Date: Friday, September 07, 2012 3:48:15 PM
Attachments: [BNSDSignedLetterFinal.pdf](#)
[ATT00001.htm](#)

Sent from Karla's iPad

Begin forwarded message:

From: karla lewis <kmlmanagementsystems@verizon.net>
Date: September 6, 2012 9:10:00 AM EDT
To: "McDuffie (Council)" <kmcduffie@dccouncil.us>, Kenyan McDuffie <krmcduffie@gmail.com>
Cc: Bernard Banks <nardo0601@verizon.net>, Candida Johnson <cheledc71@yahoo.com>, edward jones <eddmay@comcast.net>, Peter Knockstead <peterknockstead@mac.com>, Harold Pelham <Harold100@aol.com>, Minnie <minnie1974@aol.com>, Jeff Edwards <jeffwe@gmail.com>
Subject: **Bloomingdale Neighbors Oppose Big Bear Café Zoning Change**
Reply-To: karla lewis <kmlmanagementsystems@verizon.net>

Councilmember McDuffie,

A group of a 18 neighbors located within 200 feet of the Big Bear Café at First Street and Florida Avenue, NW, have signed a community letter opposing its proposed rezoning from residential to higher density commercial. While the signers patronize and appreciate Big Bear's contributing to the revitalization of Bloomingdale and Ward 5, they are convinced that a change from residential to commercial designation, with its increased density of use and size, will establish a precedent that will give "an incentive for owners and developers to convert or buy [residentially-zoned] properties, get the zone changed to commercial... then demolish the properties and build bigger, commercial buildings." On Tuesday, September 4, 2012, Karla Lewis (group representative) met with Joel Lawson, Paul Goldstein, and Deborah Crain-Kemp, of the DC Office of Planning (OP). The purpose of the meeting was to make OP aware that there were many residents that live within 200 feet of the Big Bear Cafe that oppose the rezoning of the Big Bear Cafe and to request OP to recommend against the rezoning. Tomorrow, the OP plans to send a letter with their recommendation to the Zoning Board. The residents are asking for your support by postponing the rezoning recommendation until a study has been conducted to assess the impact of rezoning in residential communities.

Residents are concerned about the following:

1. Rezoning is not just about the Big Bear Cafe - It's spot Zoning! Rezoning is unnecessary for the owner of the Big Bear Cafe to continue to do business. There is already certificate of occupancy for 49, which was increased from 8 and the sidewalk cafe has occupancy of 58. The owner has a liquor license and side walk cafe permit and doesn't need C2A to operate.

2. Rezoning will establish a terrible precedent in change in zoning for developers. It would encourage owners and developers to change zoning for financial gain. They would say 'if you did it for Big Bear, why can't you do it for me'. There are nearby commercial corridors (Florida Avenue, North Capitol St, Rhode Island Avenue, New York Avenue) that are ready for this type of activity. Commercial activities should be concentrated on commercial corridors. Residents are concerned about their quality of life. We want maintain the peace, quiet and order, without litter and rodents, and have residential parking. We do not want to become like U St, Columbia Road, and H St. All of the residents in those areas are really suffering now.

Rezoning the Big Bear Cafe is a threat to our community. We hope that you will support the residents by calling OP and postponing the recommendation until DC Governemnt is able to study the implications of this change.

The signers of the enclosed letter are long-time and newer residents and reflect the diverse population of Bloomingdale and Ward 5.

The DC Zoning Commission will hold a hearing on Big Bear's request on September 17, 2012 at One Judiciary SquareSquare, 441 4th Street, NW, Suite 220-South

Thanks,

Karla